



**Jan Drago**  
**Seattle City Councilmember**

April 24, 2003

To: Councilmembers

From: Councilmember Jan Drago

Re: "Dangerous Dog" Legislation

When representatives from the Dangerous Ordinance Group (DOG) first approached my office more than two years ago, they expressed the following concerns about Ordinance 119998, which amended the Animal Control Code when it passed the Council in June 2000:

- Lack of due process
- Vague, overly broad definitions
  - Definitions based on complainant's perception rather than dog's behavior
  - No distinction between different types of bites
  - No distinction between threats to people vs. other animals
  - No provision for legitimate defensive behavior
  - Two "potentially dangerous" notices can result in a dangerous designation
- Exile or euthanasia the only remedies for dangerous dogs
  - No provision for rehabilitation
- Anonymous complaints
- Cat trapping without limits
- Feral cats designated as exotics

While I did not agree with all of their assertions, it was obvious from the petitions we received and from the more than 300 people who attended a public meeting on this issue at Seattle Center, in March 2001, that something had gone wrong in the implementation of this law. And so I agreed to select a panel of interested stakeholders to review it and to make recommendations for possible changes to add clarity to the code.

DOG comments on its website that this law is **"heavily weighted towards public safety and city liability concerns** at the expense of pet owners' rights." **I absolutely agree with that statement. This law, indeed any animal control laws that we will pass, will be weighted heavily toward public safety.** That is our responsibility as Councilmembers. Seattle Animal Control's primary function is the protection of public safety; the wonderful work they do with adoptions and foster care is secondary to this public safety function.

But Seattle dog owners are entitled to due process under the law where their dogs are concerned and an error in the way one piece of the code was written relating to notice of potential dangerousness did deprive them of that. That error also made it more problematic for the Law Department to prosecute certain cases.

The Animal Control Code Review Panel's (ACCR Panel) recommendations for code changes have been reviewed by the Law Department, the Department of Executive Administration, Seattle Animal Control Commissioners, Seattle-King County Health Department, Council Central staff (Virginia Beas Garcia). Based upon their analyses and their recommendations, on City Attorney Tom Carr's proposals for changes in the Code, and my own personal analysis, I have decided to pursue the course of action on the ACCR Panel's recommendations as outlined on the attached charts. I have attempted to address the initial concerns raised by DOG as well as a number of others that arose during the months that the ACCR Panel met.

The complaint about lack of due process will be addressed by the creation of a new civil infraction that encompasses dog behavior more egregious than that currently described as potentially dangerous.

The City of Seattle has never allowed dangerous dogs to remain within the City limits. Until three years ago, they were euthanized, but then we provided that some dangerous dogs could be shipped at the owner's expense to a secure animal sanctuary that accepts such miscreant dogs. I am not willing to trade public safety in a densely populated city for the rights of owners of dangerous dogs to keep those animals in their homes. Even best laid plans for keeping such animals penned and muzzled can go awry. I am not supporting all of the panel's recommendations because it is imperative that we as Councilmembers keep the interests and safety of all Seattle residents foremost.

I am willing to allow owners the right to visit their dogs in "exile" if the sanctuary so chooses. Washington State RCW allows dangerous dogs to be kept under certain restrictions involving fully contained enclosures, muzzles, and liability insurance. If there is a jurisdiction in this state that would knowingly accept any Seattle dog found to be dangerous, I am willing to discuss allowing that to happen, provided the animal control authority in that jurisdiction and Seattle Animal Control work out the transfer and this City no longer has any liability.

This has been a very difficult issue whose resolution involves not only changes in the Animal Control Code, but training for SAC Enforcement Officers in how to implement the new law. They are on the front-line, after all.

I will be holding a public hearing on Tuesday, May 6<sup>th</sup>, at 5:30pm in Council Chambers, on the draft legislation being prepared by the Law Department. The bill will be discussed and voted at a Thursday, May 29<sup>th</sup> meeting of the Finance, Budget, Business and Labor Committee. I want to bring this bill for a vote at Full Council on June 12<sup>th</sup>.

I encourage you to read this material and be prepared for a heavy lobbying campaign. As soon as I receive the draft legislation, you will get your copy. If you have any questions, contact Barbara Clemons on my staff.

Cc: Ken Nakatsu, DEA Director  
Andrew Lofton, Mayor's Chief of Departmental Operations  
Tom Carr, City Attorney

